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MM Dkt. NO. 94-150

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEB 7 1997

In the Matter of)

Review of the Commission's Regulations
Governing Television Broadcasting)

MM Docket No. 91-221

FEB 7 - 1997

Television Satellite Stations
Review of Policy and Rules)

MM Docket No. 87-7

FEDERAL COMMUNICATIONS
OFFICE OF GENERAL COUNSEL

To: The Commission - Mail Stop 1170

COMMENTS OF MONTCLAIR COMMUNICATIONS, INC.

1. Montclair Communications, Inc. ("Montclair") hereby submits these comments in response to the Commission's Second Further Notice of Proposed Rule Making in the above-captioned proceeding, FCC 96-438, released November 7, 1996. Montclair is the licensee of WZVN-TV, Naples, Florida. In 1994, before Local Marketing Agreements ("LMA's") became as popular as they are today, the predecessor licensee of WZVN-TV entered into an LMA with Waterman Broadcasting ("Waterman"), licensee of WBBH-TV, Fort Myers, Florida, under which Waterman provides programming to WZVN-TV. WZVN-TV and WBBH-TV have overlapping service contours. Montclair assumed the LMA when it acquired WZVN-TV in 1996. The LMA has benefitted WZVN-TV and the Naples community in many ways. Montclair's principal concern is that the Commission do nothing that would prevent a three-year old LMA like WZVN's from continuing in effect, regardless of whether LMA's are ultimately deemed to be attributable interests for purposes of applying the Commission's station ownership rules.

2. Montclair's sole stockholder and President is a woman, Lara Kunkler. She works full time at WZVN-TV and is actively involved in management and implementation of policies for that station. She would not have been able to obtain financing for Montclair to acquire WZVN-TV without the Waterman LMA. Thus the LMA has advanced female ownership in the television industry.

3. The LMA has also ensured the survival of WZVN-TV. WZVN has historically suffered in the Fort Myers-Naples Nielsen Designated Market Area ("DMA"). The station's over-the-air signal reaches a smaller percentage of the population of the DMA than the signals of three of the other stations in the market. The station has consistently underperformed in comparison with other ABC affiliates across the country. Ms. Kunkler believes that WZVN's problems have been due in substantial part to the station's weaker signal and lack of investment in equipment, employees and promotion. The station has changed hands four times in the past four years because of chronic poor performance.

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Past licensees have been hesitant to make the necessary investment to make the station a success.

4. Proving its strong commitment to the Fort Myers-Naples community, Waterman has made investments in WZVN that no previous owner has been willing to make. These investments have made WZVN a stronger, more viable television station, which is unquestionably better positioned to serve the community and provide public service.

5. Montclair Communications benefits through its partnership with Waterman by obtaining access to both fixed assets that can be shared between WBBH and WZVN and Waterman's superior financial resources. Prior to the LMA, WZVN utilized one remote live truck, which Waterman decided unsafe because of carbon monoxide problems. WZVN also used an outdated 3/4" tape format. Under the LMA, Waterman promptly upgraded the station to Beta tape format, which greatly improved the on-air picture quality. Waterman also and provided WZVN's News Department with access to two additional microwave live trucks and a satellite news gathering vehicle.

6. Waterman has continued to invest and upgrade WZVN's resources. Waterman has installed a digital/analog routing system which is shared by WBBH and WZVN. This system will put both stations in a favorable position for the upcoming switch to digital broadcasting. Waterman purchased another microwave truck with live broadcast capability, which is dedicated to WZVN's newscasts. It purchased a state-of-the-art High Definition Doppler radar which can be used for both stations. Investment in a Doppler radar would be too sizable for one station in this market to make on its own. The latest improvement is a fully digital studio control room and new broadcast studio built expressly for WZVN to put a live news product on the air at 11 p.m. WZVN has already moved into the digital age. Ms. Kunkler is personally convinced this station would never have had entered the digital world at this time without the opportunities afforded it by the LMA.

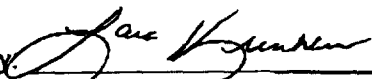
7. With many of the infrastructure issues behind, Waterman is now focusing on two major public service campaigns for WZVN. One is "Kids Fest," a one-day event for and about children at a local convention center. The station plans to support the event with PSA's and a series of educational news stories on parenting. The other campaign is a joint effort for the ABC Network, "March Against Drugs." WZVN intends to supplement ABC's hourly PSA's with its own hourly PSA's. WZVN will also participate in a local fundraising event and dinner for the Coalition for a Drug Free Lee County. The News Department will produce at least two weekly stories addressing the topic of drug abuse among teens.

8. As a "hands on" female owner who is involved in the day to day operations of WZVN, Ms. Kunkler can state without hesitation that it made much more sense for a local broadcaster to invest in WZVN than for a company coming from outside the market to do so. Waterman Broadcasting already has a significant interest in and duty to the local community. The LMA allows Waterman Broadcasting to expand that commitment.

9. Any requirement that the Waterman-Montclair LMA be terminated or seriously curtailed would damage WZVN severely, to the detriment of both the public that is receiving improved service from the station and Ms. Kunkler's efforts to build a viable female-owned enterprise. Accordingly, Montclair urges that no matter what the

Commission may do with LMA's prospectively, existing LMA's such as Montclair's should be left undisturbed.

Respectfully submitted,
MONTCLAIR COMMUNICATIONS, INC.

By 
Lara Kunkler
President
Montclair Communications, Inc.
3451 Bonita Bay Boulevard
Bonita Springs, FL 34134
(941) 939-6236

Of Counsel:

Peter Tannenwald
Michelle A. McClure
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., N.W.
Suite 200
Washington, DC 20036-3101

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